

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

KIM SANG CHAO

VS.

C.A. NO.: 1:12-CV-00841

RHODE ISLAND HOUSING MORTGAGE  
AND FINANCE CORPORATION

MOTION TO VACATE  
STIPULATION OF DISMISSAL

Now comes the plaintiff in the above entitled matter and respectfully request this honorable court to vacate the stipulation of dismissal in the above matter.

As grounds set forth Plaintiff's counsel erroneously agreed to dismiss said action with prejudice due to a colossal over site.

Plaintiff's counsel agreement to dismiss was based on procedural grounds IE lack of diversity jurisdiction.

Plaintiffs' counsel further sets forth that the agreement to dismiss was not based on the merits of the case.

Plaintiff respectfully requests this honorable court to vacate the stipulation of dismissal and dismiss the matter without prejudice so that Plaintiff may re-file his claims in state court.

Plaintiff intends to file a similar action in the State Court.

Respectfully submitted,  
By his Attorney

/s/ *Todd S. Dion, Esq.*

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DATE: 1/28/13

**CERTIFICATION OF SERVICE**

I, the undersigned do hereby certify that on this 28<sup>th</sup> day of January 2013, I electronically filed a true copy of the within to: [dburgoyne@rcfp.com](mailto:dburgoyne@rcfp.com), Daniel E. Burgoyne, Esquire, Roberts Carroll, Felsstein & Peirce, Attorneys At law, Ten Weybosset Street, Providence, Rhode Island 02903-2808.

/s/ *Todd S. Dion, Esq.*

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